

### **REMARKS**

The Office Action dated August 29, 2005 has been received and carefully noted. The above amendments to claim 23 and portions of the Specification and the following remarks are submitted as a full and complete response thereto.

In accordance with the foregoing, the specification and drawings have been amended. No new matter is being presented, and approval and entry are respectfully requested. As will be discussed below, it is also requested that all of claims 23-41 be found allowable as reciting patentable subject matter.

Claims 23-41 are pending and under consideration.

### **OBJECTIONS TO THE DRAWINGS:**

In the Office Action, at page 2, FIG. 1 was objected to. In view of the accompanying Replacement Sheet to FIG. 1 correcting the objections presented in the Office Action, it is respectfully asserted that the outstanding drawing objections should be resolved.

Reconsideration and withdrawal of the outstanding objection to FIG. 1 is respectfully requested.

### **AMENDMENTS TO THE SPECIFICATION:**

The Specification is amended herein correcting minor typographical errors, taking

the Examiner's comments into consideration, and directed to overcoming the objections thereto. The Applicant respectfully requests that the Examiner withdraw the objections thereto.

**REJECTION UNDER 35 U.S.C. § 112:**

In the Office Action, at page 3, claims 23-41 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. According to the Office Action, the claims contain subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains to make and/or use the invention. Also, on page 5 of the Office Action, it is incorrectly indicated that "radiotelephone for operation with a network which initiates a change in data rate of a channel from a first data rate to a second data rate in response to an initiation of a channel with a second network, the radiotelephone comprising a controller responsive to a signal from the network for changing the data rate of data being transmitted on a channel from a radiotelephone," is not described in the disclosure of the present invention at all. This rejection is traversed and reconsideration is requested.

Applicants respectfully assert that claims 23-41 were not properly rejected under the enablement requirement. Rather, at most, the Specification alone should have been rejected. Specifically, according to 35 USC § 112, first paragraph, "the specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person

skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor of carrying out his invention.” Thus, the referred portion of the statute is directed to the Specification, but it is not directed to the claim language. Applicants respectfully assert that the rejection presented in the Office Action is improper because claims 23-41 are being rejected under 35 USC § 112, first paragraph, rather than the Specification, and therefore it should be withdrawn.

Furthermore, in the rejection under 35 USC § 112, first paragraph, according to the Office Action, “it is not fully disclosed as to what ‘an initiation of a channel with a second network’ is referring to.” Also, according to the Office Action, “it is also unclear as to what is the purpose for ‘initiating a change in the data rate of a transmitted channel from the first data rate to the second data rate in response to an initiation of a channel with a second network.’” The Office Action also refers to paragraph [0055] of the Specification.

Applicants respectfully refer to the Specification providing exemplary support for the recitations of claims 23-41. For instance, paragraphs [0027] to [0029] of the Specification describe and support at least the referred portions of the independent claims. In these paragraphs, the Specification describes that Coupled to the LAN 3 is the gatekeeper 7. The gatekeeper 7 provides the WIO network call control functions, for example call forwarding and automatic re-routing. The gatekeeper 7, acting as a network controller, is responsible, when a call is being established, for instructing the IMC 6 to

allocate the respective communication channel between the BTS 5 and radiotelephone 4 to an available timeslot on the carrier frequency of the BTS's 5 transceiver.

According to the referred portion of the Specification, the gatekeeper 7 monitor calls established over the WIO network 2 and can initiate, in response to a predetermined condition, a change in data rate of a call within the WIO. Additionally, the gatekeeper 7 can combine two half speech rate channels on the same carrier in different timeslots onto the same timeslot.

The change in data rate is initiated by sending a control signal from the gatekeeper 7 to the respective radiotelephones 4 instructing the radiotelephones 4 to operate at either full speech rate or half speech rate. The moving of two half speech rate channels to a single timeslot is initiated by instructing the IMC 6 to control the hand-over.

Applicants also respectfully refer to other portions of the Specification describing the claimed invention in such a way as to enable one skilled in the art to make and/or use the invention. For instance, paragraphs [0024] to [0026] and paragraphs [0031] to [0050] provide detailed descriptions of the claimed invention in such a way as to enable one skilled in the art to make and/or use the invention.

Accordingly, the Specification clearly defines the controller in the network, the initiation of the call between the controller and second network, and the change in data rate. The Specification does enable a person of ordinary skill in the art to make and use the present invention for initiating a change in the data rate of a transmitted channel form

the first data rate to the second data rate, in response to an initiation of a channel call with a second network.

Thus, in view of the foregoing, it is respectfully requested that the rejection to claims 23-41 be withdrawn.

**CONCLUSION:**

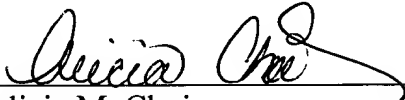
In view of the above, Applicants respectfully submit that the claimed invention is clearly described in the Specification such a way as to enable one skilled in the art to make and/or use the invention. Because no cited prior art is presented and the Specification supports the claimed invention, Applicants respectfully request that each of claims 23-41 be allowed and that this application passes to issue.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the Applicants' undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, the Applicant respectfully petitions for an appropriate extension of time.

Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,

  
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Enclosures: Drawing Replacement Sheet (FIG. 1)  
Revocation and New Power of Attorney

## **AMENDMENTS TO THE DRAWINGS:**

The attached sheet of drawing includes changes to FIG. 1. This sheet, which includes FIG. 1, replaces the original sheet that included FIG. 1.

In the Replacement Sheet of FIG. 1, the reference characters “AC” and “EIR” for element 12 have been removed, the reference character “TCSM2” for element 15 has been modified to “TRAU”, and reference character “VLR” for element 16 has been removed, consistent with corresponding description provided in the Specification. Approval and entry of the Replacement Sheet is respectfully requested.

Attachment: Replacement sheet of FIG. 1